

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALBERT MITCHELL,

Case No. 06-13160

Plaintiff,

District Judge David M. Lawson
Magistrate Judge R. Steven Whalen

v.

COUNTY OF WASHTENAW, et al.,

Defendants.

ORDER

Before the Court are Plaintiff's two motions to extend the time for filing a response to Defendant's motion to dismiss [Docket Nos. 15 and 17]. Motion No. 15 was filed *pro se*, and Motion No. 17 was filed by Plaintiff's subsequently retained counsel. In the latter motion, Plaintiff's counsel represents that the Defendants do not object to his filing an amended complaint, and that upon filing said complaint, he may concur in the motion to dismiss the original *pro se* complaint.

Accordingly, because the first motion for extension of time is in effect superseded by the second, Docket No. 15 is DISMISSED AS MOOT.

Further, the second motion for extension [Docket No. 17] is hereby GRANTED. The time for filing a response to the Defendant's motion to dismiss is extended to JANUARY 22, 2007.

If Defendants have no objection to the Plaintiff filing an amended complaint, then the

parties shall file a stipulation and proposed order to that effect, and the Plaintiff shall file the amended complaint by JANUARY 22, 2007.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: January 3, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 3, 2007.

S/Gina Wilson
Judicial Assistant